

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARK SCHENA,
Defendant.

Case No. [20-cr-00425-EJD-1](#) (VKD)

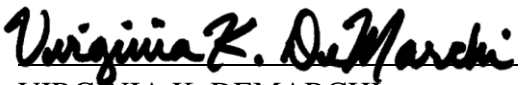
**ORDER DETERMINING ELIGIBILITY
FOR APPOINTMENT OF COUNSEL**

This matter was referred to the undersigned for determination of whether defendant Mark Schena is eligible for appointment of counsel. Dkt. No. 71. The Court has considered Mr. Schena's October 6, 2021 financial affidavit (Dkt. No. 73) and his further status report (Dkt. No. 75), as well as the arguments and representations made during the hearing on October 7, 2021. The Court concludes that, given his failure to sell his house and his current lack of income, Mr. Schena is eligible for appointment of counsel under the Criminal Justice Act. However, the Court also concludes that Mr. Schena has sufficient assets to make partial payment for his representation. After appointment of counsel, the Court may require additional information before setting the amount of Mr. Schena's contribution.

Mr. Schena shall appear before Magistrate Judge Robert Illman on the criminal duty calendar on **October 22, 2021 at 1:00 p.m.** for appointment of counsel.

IT IS SO ORDERED.

Dated: October 21, 2021


VIRGINIA K. DEMARCHI
United States Magistrate Judge